

**QUALITATIVE WAIVER REQUEST  
KCTCS - NORTHERN KY TECHNICAL COLLEGE**

**ACTION  
Agenda Item C  
June 25, 2001**

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**No staff recommendation is offered.**

**Background:**

The Committee on Equal Opportunities makes a recommendation to the Council on Postsecondary Education on the granting of waivers. The recommendation of a waiver of the requirements of KRS 164.020(18) must be based on the combination of the data provided in the agenda and the presentation of the institution on the date of the meeting. The CEO, in its recommendation to the council, must identify the extenuating circumstances that prevented the institution from making the necessary progress and those things that indicate the probability of success in the future. The council shall consider the institution's request for a qualitative waiver at a subsequent meeting after a recommendation is forwarded from the CEO.

*The Kentucky Plan* is implemented through administrative regulation. The administrative regulation (13 KAR 2:060) implements KRS 164.020(18) and *The Kentucky Plan*. The statutes establish the council's responsibility to approve the offering of new academic programs (KRS 164.020(14)) and also limit (KRS 164.020(18)) an institution's eligibility for new academic programs by the requirement that an institution meet its equal opportunity objectives. The statutes do give the council authority to grant a temporary waiver if an institution demonstrates progress in meeting equal opportunity objectives.

**Discussion:**

The KCTCS, with the approval of the Board of Regents (April 27, 2001), has requested a temporary waiver of the requirements of KRS 164.020(18) to allow approval of new academic programs at Northern Kentucky Technical College during calendar year 2001. If a waiver is granted, the number of new academic programs that the KCTCS may approve or ask the Council on Postsecondary Education to approve for Northern Kentucky Technical College during calendar year 2001 is unlimited. If a waiver is granted for calendar year 2001, Northern Kentucky Technical College will not be eligible for a waiver in calendar year 2002.

The administrative regulation identifies three ways an institution may be eligible to approve new degree programs or to have new degree programs considered for approval:

- Automatic eligibility: continuous progress in three of four objectives in *The Kentucky Plan*.
- Quantitative waiver: continuous progress in two of four objectives in *The Kentucky Plan*.
- Qualitative waiver: the submission of information in support of outstanding efforts that were attempted which have not yet proven to be successful.

Northern Kentucky Technical College chose the qualitative waiver route. An institution not automatically eligible under Section 6 of the administrative regulation may request a one (1) year waiver (under Section 7) which shall be either quantitative or qualitative. Based on the evaluation of institutional progress in implementing plan objectives (**Attachment A**), Northern Kentucky Technical College is eligible to request a qualitative waiver under 13 KAR 2:060(7)(4). The KCTCS has submitted a resolution approved by the governing board and a qualitative assessment, as appropriate, of Northern Kentucky Technical College's efforts to achieve the objectives as set forth in *The Kentucky Plan*.

A qualitative waiver may be approved for an institution failing to meet annual objectives if the institution can demonstrate:

- (a) Outstanding efforts that were attempted which have not yet proven to be successful or extraordinary circumstances that precluded success.
- (b) How the institution's revised plans for recruitment and retention of African American students or employees show promise of future success.

The written request for a qualitative waiver shall include specific and quantifiable aspects of the institution's efforts to meet equal opportunity objectives. **See Attachment B**. Since the passage of SB 398 [(KRS 164.020(18))] in 1993, six institutions have requested a qualitative waiver. The CEO has recommended that the council grant five waivers. **Attachment C** is a summary of the institutions that were granted or denied a waiver.

The KCTCS has submitted the requisite information that allows the CEO to hear the Northern Kentucky Technical College request. In support of the Northern Kentucky Technical College request, the KCTCS indicates that:

- a. At its April 1999 meeting the KCTCS Board of Regents adopted a policy on program approval that specifies that KCTCS institutions submitting new program proposals must meet all equal opportunity employment and affirmative action eligibility criteria ... and all applicable Council on Postsecondary Education policies and procedures.
- b. The most recent council evaluation of progress was based on data from fall 1999. Since the council completed its evaluation, NKTC has made a number of improvements. The enrollment of Kentucky resident African Americans has increased from 12 to 27, the employment of African Americans in executive, administrative and managerial positions did not improve, the number of African American faculty increased from 0 to 2, and the number of African Americans employed as other professionals increased from 0 to 2.
- c. The NKTC has hired an enrollment coordinator to serve as the point person for high school, adult education, scholarship advertising, and all other recruitment activities. The technical college engages in a number of activities to support efforts to enroll more African American students; for example, visiting high schools, advertising on cable, featuring minority students in all productions and materials, use of billboards, and participation in Tech-Prep Consortium.
- d. The NKTC is a partner in the Urban Learning Center, which is a community initiative designed to provide free college classes to economically disadvantaged residents of Covington, KY.

- e. The NKTC requires all budget units to have and to implement a retention plan. The unit plans are based on the university-wide retention plan.
- f. In every situation, where an African American applied for an NKTC faculty position, an offer of employment was made. For example, one African American faculty fills a position in Information Technology, while another has taken a position in Visual Communication Art.
- g. The interim Chief Operating Officer who oversees the development of a new comprehensive community and technical college for the district will have more opportunities to recruit and employ African Americans.
- h. The NKTC has committed \$65,678 to support equal opportunity related activities in FY 2000-01.

Other information provided by KCTCS in support of the request is included as **Attachment D**.

Staff Preparation by Sherron Jackson

## **Attachment A**

### **INSTITUTION: Northern Kentucky Technical College**

Degree Program Eligibility Status for Calendar Year 2001

#### 1. Kentucky Resident African-American Undergraduate Enrollments

	Base Year	F99	Objective
African-American	15	12	----
% of Total	2.5%	1.8%	2.5%

Progress Status: Not Achieved

System Enrollment KY Resident African American Students: 8.1%

Campus Diversity Factor: 0

#### 2. Employment of African-Americans in Executive, Administrative, and Managerial Positions

	Base Year	99-00	Objective
African-American	0	0	---
Total (AA+W)	5	2	---
% African-American	0.0%	0.0%	5.0%

Progress Status: Not Achieved

#### 3. Employment of African-Americans as Faculty

	Base Year	99-00	Objective
African-American	0	0	---
Total (AA+W)	64	50	---
% African-American	0.0%	0.0%	3.0%

Progress Status: Not Achieved

#### 4. Employment of African-Americans as Other Professionals

	Base Year	99-00	Objective
African-American	0	0	---
Total (AA+W)	9	10	---
% African-American	0.0%	0.0%	3.0%

Progress Status: Not Achieved

**DEGREE PROGRAM ELIGIBILITY STATUS: QUALITATIVE WAIVER**

**INSTITUTION SHOWED PROGRESS IN: 0 of 4 OBJECTIVES**

**Based on Academic Year 1999-00**

**Submission Requirements for  
A Qualitative Waiver**

*Administrative Regulation 13 KAR 2:060*

*Section 7. Waivers.*

- (1) If an institution is not automatically eligible under Section 6 of this administrative regulation and eligible for a quantitative or qualitative waiver, the institution may request a one (1) year waiver which shall be either: (a) quantitative; or (b) qualitative.
- (2) A waiver request by an institution shall include a resolution submitted to the Council on Postsecondary Education, approved by the institution's governing board, and shall include either a quantitative or qualitative assessment, as appropriate, of the institution's efforts to achieve the institution's objectives as set forth in *The Kentucky Plan*.
- (3) **Excluded - Applies to the Quantitative Waiver.**
- (4) A qualitative waiver may be approved for an institution failing to meet annual objectives if an institution can demonstrate:
  - (a)
    1. Outstanding efforts that were attempted which have not yet proven to be successful or
    2. Extraordinary circumstances that precluded success and
  - (b) How the institution's revised plans for recruitment and retention of African American students or employees show promise of future success.
- (5) The written request for a qualitative waiver shall include specific and quantifiable aspects of the institution's efforts to meet equal opportunity objectives including:
  - (a) Commitment of funds to equal opportunity related activities.
  - (b) Financial aid distribution.
  - (c) Student services activities.
  - (d) High school visitations and results.
  - (e) Academic support services.
  - (f) Number of interviews granted to African American applicants for positions.
  - (g) Offers of employment made that are accepted or rejected.
  - (h) Utilization of funds to stimulate units to improve their employment data.
  - (i) Special actions for units within an institution where additional efforts are required.
  - (j) An evaluation of long-range data trends for those objectives that fell below expectations.

- (6) An institution's written request for a qualitative waiver shall be reviewed by the Council on Postsecondary Education's Committee on Equal Opportunities which shall make a recommendation to the Council on whether to grant a qualitative waiver.
- (7) The Council shall consider an institution's request for a qualitative waiver at a subsequent meeting of the Council: (a) following submission of the information by the institution in support of their request and (b) after a recommendation is forwarded from the Committee on Equal Opportunities.
- (8) An institution shall not be eligible for a waiver in consecutive years regardless of the type of waiver.
- (9)
  - (a) Except as provided in paragraph (b) of this subsection, an institution that has received a quantitative or qualitative waiver shall only submit new academic programs under the waiver provision in the calendar year for which the waiver is granted. An institution's request for a new academic program, advanced under authority of an approved waiver, shall be considered at the next regularly scheduled meeting of the Council after an institution has submitted a complete program application.
  - (b) If the Council postpones or delays action, it may extend the period of consideration of a new academic program.

**Summary of  
Qualitative Waivers Granted by the CEO  
1993 to Present**

Institutions that have received a qualitative waiver and the number of new degree programs approved by the institution or submitted to the council for approval under the waiver provision.